THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 19072 OF 2005

DATED: 31.08.2005

Between:

Kum. S. Begum

… PETITIONER

AND

The APSRTC, rep., by its Executive Director,

Hyderabad & 2 others.

… RESPONDENTS

ORAL ORDER:

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The petitioner was employed as a conductor in the APSRTC. She was removed from service through order, dated 24.01.2005, passed by the 2nd respondent, on the ground that she committed certain irregularities while conducting bus service. Aggrieved thereby, the petitioner filed an appeal before the 1st respondent. The appeal was rejected on 18.07.2005. The petitioner challenges the said proceedings in the present writ petition.

Sri S.N. Subhan, learned counsel for the petitioner, urged several contentions. One of the main contentions advanced by the learned counsel is that though the Depot Manager is the appointing authority, the order of removal was passed by the Regional Manager, who is the reviewing authority. He submits that the petitioner is deprived of the remedy of review, and the impugned order cannot be sustained in law. Certain other contentions also have been advanced.

Heard the learned Standing counsel for the respondents.

It is true that the Depot Manager is the appointing authority, as well as, the disciplinary authority for the petitioner. However, it is permissible in law for a superior authority to act as disciplinary authority. The order of removal can be said to be without jurisdiction, if only, it was passed by an authority, which is inferior to that of the appointing authority. The denial of the remedy of review, by itself, cannot render the order of removal, illegal. The right of appeal was kept intact, and in fact, the petitioner availed the same. If the petitioner is aggrieved by that order, she can workout her remedy before the Labour Court. The Labour Court would be in a better position to appreciate the matter from all perspectives. The only apprehension of the petitioner is that the I.D. that may be filed by her, would be kept pending for several years together. This apprehension cannot be said to be well placed.

For the foregoing reasons, the writ petition is disposed of leaving it open to the petitioner to avail the remedy of raising an I.D. before the jurisdictional Labour Court. As and when such an I.D. is filed, the concerned Labour Court shall endeavour to dispose of the same, as early as possible, not later than one year, from the date of filing the I.D. No order as to costs.

31.08.2005

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